

## **REMARKS**

Claims 1-22, 24-31, and 33-37 are pending in the instant application. With the exception of objected-to dependent claims 7 and 18, all pending claims are under final rejection, including independent claims 1, 14, 26, and 30. Applicant believes that all outstanding rejections plainly fail as a matter of law, as detailed in the below remarks.

### **The Anticipation Rejection of Claims 14-17, 19-22, 30, 31, and 34-37**

The above claims include independent claims 14 and 30, and all such claims stand rejected as anticipated by Rinne (US 6,201,966). Claim 14 is an independent method claim directed to receiving idle time requests from a mobile station, determining whether to grant the requests, and, if the request is granted, sending a response to the mobile station identifying the granted idle time. Claim 30 is an apparatus claim, but includes similar limitations. Particularly, claim 30 includes a limitation like that of claim 14, wherein the network first determines whether to grant an idle time request before sending a corresponding response to the requesting mobile station.

In short, as carefully described in Applicant's detailed specification, and as carefully claimed by Applicant, the network may or may not grant a given idle time request received from a given mobile station. For example, see Fig. 5B and the accompanying discussion in the instant application. Step 120 of Fig. 5B explicitly identifies that a mobile station's request for additional idle time may not be granted, and that the mobile station may perform modified processing if the request is not granted—e.g., modify its position determination operations if the network does not grant additional idle time.

As has been pointed out in prior responses, Rinne does not teach a network that may not grant idle time requests—i.e., Rinne's teachings explicitly contradict the plain limitations of claims 14 and 30 and, therefore, Rinne as a matter of law cannot anticipate these claims. In more detail, the first paragraph of Rinne's Detailed Description explicitly states that:

FIG. 1 illustrates the operation of a method according to a preferred embodiment of the invention. First, a mobile station 10 sends 100 to the network 20 the message IDLE\_ALLOC\_REQ with which the mobile station requests the network to allocate idle time. Preferably the mobile station indicates in the message how much idle time it needs and within which time it needs the idle time. Having received the message the network 20 checks 110 whether a suitable pause is coming up in the communication between the mobile station and the network. **If such a pause is not coming up, the network allocates 120 to the mobile station a pause that matches the mobile station's request as well as possible.** Then the network sends an IDLE\_INFO message to the mobile station, telling it how much and when it will have idle time at its disposal. to see whether idle time matching the amount of idle time requested.

(Emphasis added.)

The above excerpt from Rinne unequivocally states that if the full amount of requested idle time is not available, Rinne's network allocates whatever time it can in response to receiving an idle time request. This teaching is repeated throughout Rinne, and Rinne never suggests that its network ever does anything other than make a "best efforts" grant of requested idle time. (In more detail, see the discussion regarding Step 120 of Fig. 1 in Rinne, for example.)

Allocating a pause (idle time) to a mobile station that matches as well as possible the actual amount of idle time requested by the mobile station, as is explicitly taught by Rinne, cannot be argued as anticipating claims 14 and 30, which explicitly identify a network determining whether to grant or not grant idle time requested by a mobile station. As explained in paragraphs [00046] – [0050], the instant invention as claimed in claims 14 and 30, contemplates not granting idle time requests in the context of complex multi-user scheduling, etc. That context and the corresponding claimed limitation of explicitly determining whether to grant idle time request are utterly missing from Rinne and Rinne thus fails as a matter of law as an anticipating reference. Therefore, all anticipation rejections based on Rinne must be withdrawn.

The Obviousness Rejection of Claims 1, 4-6, 8-13, 26, and 27

Independent method claim 1 and the corresponding independent apparatus claim 26 are rejected as obvious over King (US 6,313,787) in view of Rinne (US 6,201,966). The Office Action rejects dependent claims 4-6, 8-13, and 27 on the same basis.

In understanding the shortcomings of the proffered rejection, Applicant emphasizes that claim 1 is directed to a mobile station that requests additional item from a supporting network to perform a designated task as requested by the network, based on determining whether its current operating mode offers sufficient idle time to perform the designated task. Claim 26 includes similar limitations, presented in apparatus form.

King + Rinne Does Not Teach or Suggest The Limitations of Claims 1 and 26

The Office Action's anticipation argument against claims 1 and 26 is that King teaches a mobile station receiving a designated task request but does not explicitly teach the mobile station requesting additional idle time based on determining whether the mobile station's current operating mode allows sufficient idle time to perform the designated task. In fact, at col. 27, lines 3-5, King explicitly teaches that the mobile station returns a failure indication to the requesting network, if the mobile station was unable to perform the requested designated task.

Ignoring this explicit teaching in King, the final rejection argument states that Rinne teaches a mobile station that requests additional idle time from a network based on determining whether a current operating mode of the mobile station allows sufficient time to perform a designated task, and that such teachings would be obvious to combine with King. The argument is curious on several counts.

First, if Rinne actually provided the teachings alleged at p. 7 of the Final Office Action, it would beg the question why the Patent Office did not offer Rinne as an anticipating reference against claims 1 and 26. That is, if Rinne actually taught a mobile station that requested additional idle time as needed to perform a designated task requested by its supporting network,

then of what use is King? In point of fact, Rinne teaches a mobile station that is configured to request additional idle time from a network for measuring base station signal strength as part of ongoing operations related to the possibility of base station handover. (See Abstract of Rinne; Fig. 1 of Rinne and accompanying discussion; and Fig. 4 of Rinne and accompanying discussion.) Rinne does not teach a network that requests a mobile station to perform a designated task within the meaning of Applicant's claims.

Instead, the Background of Rinne carefully explains the need for synchronization and other preparatory operations in the context of handing over a mobile station from one network cell to another, and Rinne further teaches the transmission of beacon signals from different ones of the cell base stations to aid the mobile station in preparing for handover. The entire thrust of Rinne's disclosure is that a mobile station may need additional idle time to measure the beacon signals of neighboring base stations, and thus may request additional idle time from the network. Such operations do not represent by any stretch of argument a mobile station receiving a designated task request from a network, and then, as is explicitly claimed by Applicant, making a mode-specific determination of whether additional idle time is needed to perform the requested task.

Notably, Rinne does not once use the word "mode" or any equivalent term when discussing idle time requests. Rinne's only discussion of modes is in the context of Figs. 9A and 9B, wherein Rinne discusses different transmission modes, such as slotted transmission mode. None of that discussion has anything to do with the explicit limitations of independent claim 1 and 26, nor with the corresponding explicit limitations of independent claim 26. The bottom line is that (1) Rinne does not disclose a network sending designated task requests to a mobile station; and (2) Rinne therefore cannot disclose a mobile station receiving a designated task request and then determining whether the mobile station's current operating mode allows sufficient idle time to perform the task.

Because Rinne does not provide the teachings alleged by the Patent Office, the argued-for combination of King and Rinne does not teach or suggest every limitation of claims 1 and 26. For that reason alone, the Patent Office has not met its initial burden of establishing a prima facie case of obviousness against claims 1 and 26, and the obviousness rejection against claims 1 and 26 must be withdrawn.

There is No Motivation to Combine Rinne with King

King explicitly is directed to GPS-assisted position determination. In that context, King teaches that a network may send an RRLP MEASURE POSITION request to a mobile station. In return, the mobile station sends position information back to the network, or sends a failure indication. At col. 27, lines 36+, King indicates that position measurement failures are a function of problems with GPS satellite ephemeris data. King never suggests or implies that the mobile station may need additional idle time for position measurements. Indeed, the word “idle” and the phrase “idle time” are absent entirely from the disclosure of King, nor are any equivalent words or terms used or discussed in King.

Put simply, King teaches a mobile station that performs an RRLP MEASURE POSITION task if it has good GPS data, but returns a failure indicator to the requesting network if it does not have the data needed to determine its position. In contrast, Rinne teaches a mobile station that, as part of its normal handover processing, measures neighboring base station beacon signal strengths, and requests additional idle time as needed for such measurements.

Thus, the idle time request teachings of Rinne are inapposite to King because King does not identify idle time at all, much less identify idle time as being an issue regarding its position measurements. King simply states that position measurements can fail for lack of good ephemeris data. One skilled in the art would have no motivation to combine idle time request teachings from Rinne with King, and the obviousness rejection of claims 1 and 26 independently fails as a matter of law for lack of motivation to combine Rinne with King.

The Further Obviousness Rejection of 2, 3, 28, and 29

Claims 2, 3, 28, and 29 stand rejected as obvious over the combination of King in view of Rinne, in further view of ANSI/TIA/EIS-136-740-2001. These obviousness rejections are moot given the allowability of the corresponding independent claims. However, even without that allowability, these rejections fail as a matter of law because of the previously described failings of the argued-for combination of King and Rinne, which are not cured by the addition of the ANSI standard. Indeed, the cited ANSI standard is used only for its teachings regarding a timed request response, as defined by a Requested Response Time Field.

For completeness of the prosecution record, however, Applicant notes that proffered motivation to combine King, Rinne, and the cited ANSI standard is pure speculation, and wholly unsupported by the record. Indeed, at p. 10, the Final Office Action suggests that the Requested Response Time Field has some relevance to the combination of King and Rinne because a purchaser (of mobile stations?) “would be assisted in selecting and obtaining with minimum delay the proper product for his particular need.”

Applicant requests that the Patent Office review the ANSI standard for the purpose of understanding that the Requested Response Time Field is a QoS parameter that can and will vary in system operation and that it has nothing to do with assisting a purchaser in selecting equipment that meets the purchaser’s particular need. Moreover, King, although it is directed to GPS-based mobile station position determination, is utterly silent regarding the Requested Response Time Field parameter, and its relevance (or implicit) presence in King is pure speculation by the Patent Office. Moreover, this parameter is irrelevant to Applicant’s explicitly claimed limitations.

The Further Obviousness Rejection of Claims 24 and 25

Claims 24 and 25 stand rejected as obvious over the combination of Rinne in view of King, in further view of ANSI/TIA/EIS-136-740-2001. These obviousness rejections are moot

given the allowability of the corresponding independent claims. However, even without that allowability, these rejections fail as a matter of law because of the previously described failings of the argued-for combination of King and Rinne, which are not cured by the addition of the ANSI standard. Indeed, the cited ANSI standard is used only for its teachings regarding a timed request response, as defined by a Requested Response Time Field. Thus, these rejections fail as a matter of law at least for the reasons given above for claims 2, 3, 28, and 29.

#### The Further Obviousness Rejection of Claim 33

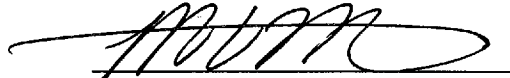
Claim 33 stands rejected as obvious over the combination of Rinne in view of of ANSI/TIA/EIS-136-740-2001, in further view of King. This obviousness rejection is moot given the allowability of the corresponding independent claim. However, even without that allowability, this rejection fails as a matter of law because of the previously described failings of the argued-for combination of King and Rinne, which are not cured by the addition of the ANSI standard. Thus, this rejection fails as a matter of law at least for the reasons given above for claims 2, 3, 28, and 29.

#### Closing

While Applicant appreciates the indication of allowable subject matter, Applicant believes that the above arguments forcefully demonstrate the legal shortcomings of all anticipation and obviousness rejections presented in the Final Office Action. Applicant believes that such rejections must be withdrawn, and that all pending claims stand in condition for immediate allowance over the cited references. As such, Applicant looks forward to the Office's next communication in this matter. Further, the undersigned attorney would welcome a telephone call from the Office to discuss this application, and any aspect of this response.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'MDM', is written over a horizontal line.

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